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ABSTRACT

This study explored the relationship between children's sense of justice for a criminal offender and their cognitive level. Subjects were 60 children, 10 boys and 10 girls at each of the following developmental or cognitive levels: preoperational, concrete operational, and formal operational. Each child was individually pretested for cognitive level and subsequently administered a crime questionnaire balanced for questions with and without extenuating circumstances for the commission of a crime. Questionnaire responses were coded as retributive, distributive, or restitutive, according to the definitions of each as posited by Piaget (1965) and according to the function of the response (Damon, 1977). A fourth category of response, other, was coded if the child did not respond or said, "I don't know." Analysis of distributive responses only showed a significant difference for response by cognitive level. This difference occurred between preoperational and concrete operational groups. Children in the concrete operational group offered more distributive responses. Also, type of response (distributive vs. retributive) was predicted to be influenced by extenuating circumstances: items and results showed these items elicited more distributive responses. A significant interaction occurred as a function of cognitive level by type of item (extenuating vs. non-extenuating) for means of scores for distributive responses. These findings add further support for the theoretical link between cognitive development and moral development. (MP)

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Children's Sense of Justice for Criminal Offenders

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Summary. It was predicted that a child's sense of justice for a criminal offender would be directly related to the child's cognitive level. Examined were 60 children, 10 boys and 10 girls at each of the following developmental levels: preoperations, concrete operations, and formal operations. Each child was individually pretested for cognitive level and subsequently administered a crime questionnaire balanced for questions with and without extenuating circumstances for the commission of a crime. Questionnaire responses were coded as retributive, distributive, or restitutive. Analyses of distributive responses only, showed a significant difference for response by cognitive level. This difference occurred between preoperations and concrete operations with children in higher cognitive levels offering more distributive responses. No sex differences occurred. Also, type of response (distributive vs. retributive) was predicted to be influenced by extenuating circumstances; items and results showed these items elicited more distributive responses. A significant interaction occurred as a function of cognitive level by type of item (extenuating vs. non-extenuating) for means of scores for distributive responses. This research may suggest that some children are able to begin to deal with the concept of distributive justice in the decision-making process somewhat earlier than Kohlberg's findings would suggest. The findings of this study support the theoretical link between moral development and cognitive development and describe another perspective on the child's sense of justice. These findings might aid the juvenile justice system in formulating more effective future policy.

The question addressed in this study was: What is a child's sense of justice for a criminal offender as a function of the child's cognitive level? The literature deals extensively with the child's sense of justice and moral development. Piaget (1965) and Kohlberg (1958, 1963, 1973, 1976) approach the issue of a child's sense of justice from a moral and cognitive developmental perspective. However, Piaget and Kohlberg predict somewhat different responses from children who are asked what type of justice ought to be prescribed from an offender in a criminal situation. Piagetian theory would predict the child's responses ought to follow a developmental progression: the child in preoperations ought to have a retributive sense of justice while the child in formal operations ought to have a more distributive sense of justice. It appears from Kohlberg's writings that the child's sense of distributive justice appears at a later stage, but no empirical evidence was available concerning this sequence. Further investigation was needed to resolve the relationship between Kohlberg's concept of justice as fairness and the dual concept of retributive and distributive justice. This study attempted to resolve this disparity.

Piaget's initial work on moral development (1965) posits two levels of moral development for the child: heteronomous development and autonomous development. Heteronomous development is a blind respect for the laws or rules of the game. External rules are the be-all and end-all. Heteronomy gradually gives way to a state of autonomous development (after approximately age eight or nine) enabling the child to make decisions free from constraints of adult authority. Speculating upon a child's sense of justice during the two stages of moral development, it was predicted that a child in the preoperational and heteronomous stages of moral development would have a retributive sense of justice: this child would severely punish the offender. On the other hand, it was also predicted that the older child in the autonomous

and concrete to formal operational levels of development would begin to have a more distributive sense of justice, or one based on equity.

In Piagetian theory the developmental concepts of retributive and distributive justice are used in relation to the child's sense of punishment although in the Pigetian dilemmas these are punishment situations specific to the rules of the game. Distributive justice is "defined by equality;" retributive justice is defined by "due proportion between acts and punishments" (Piaget, 1965, p. 198).

Piagetian literature and studies based on Piaget's paradigm of the child's moral development attribute to the child in preoperations and concrete operations some form of a sense of justice. Yet Kohlberg, and those studies based in this body of literature, might not attribute to this same child an ability to deal with the concept of justice.

Kohlberg's (1958, 1963, 1973, 1976, 1978) theory of moral development is based on the theories of Piaget (1965), Mead (1934a, 1934b) and Baldwin (1906), and like Piaget's, is a stage theory of moral development. However, Kohlberg's current moral development scale does not attribute to the young child a sense of distributive justice.

Based on previous theory, Damon (1975, 1977) has developed yet another stage theory of moral development that incorporates the work of both Piaget and Kohlberg. Damon (1975) proposes a theory of positive justice for the child. Damon expands downward the age limitations of Kohlberg's theory and asserts that the very young child, the child of age four, is capable of positive justice statements.

Damon (1977) also offers a critique of both Kohlberg's and Piaget's theories of moral development. At the outset, Damon (1977) criticizes Kohlberg's (1958, 1963) use of moral dilemmas with children. Damon states the dilemma situation would "challenge the most sophisticated adult moral

philosopher" (p. 38); yet the dilemma is posed to children. The dilemmas proposed by Kohlberg are foreign to children and although these situations may demand the rudimentary basis of moral development, the adult moral dilemmas may have no bearing on the child's later development of adult morality. This point is well taken and has implications for the study described herein. However, the intent of this study is not to generalize to adult morality but only to determine what children think ought to happen to an adult offender.

Turiel (1975) and Damon (1977) also take issue with Kohlberg's failure to take into account how children form social rules. According to Turiel (1975), children are capable of a basic concept of primitive justice. Kohlberg's failure to consider the young child's beliefs in regard to justice may be a result of Kohlberg'a adult orientation (Damon, 1977).

Other critiques of Kohlberg's theory deal with methodology and the scoring manual for the moral development scale. Most researchers do state that the moral development interview does what it is supposed to do: define a hierarchy of moral development as defined by Kohlberg (Kurtines & Grief, 1974; Gibbs, 1977). What many researchers disagree with is the upper end of the moral development scale (Rest et al., 1978; Turiel, 1966). Kohlberg himself is in the process of revising the upper levels (Kohlberg, 1976, 1978).

A more serious criticism of Kohlberg is that posited by Turiel (1966), Brown and Herrnstein (1975), and reiterated by Selman (1978): namely, that Kohlberg's theory may not be a stepwise developmental progression. People may be capable of answering a moral reasoning dilemma one step above their supposed moral stage or may be functioning on an interstage level (Turiel, 1966). It seems apparent that those very knowledgeable in the field of moral development are beginning to seriously question the efficacy of Kohlberg's theory on moral development.

This is not to infer that the Piagetian perspective is necessarily accurate. Damon (1977) questions whether or not active knowledge actually precedes theoretical knowledge, a key Piagetian principle, and one used to explain a child's moral development. Damon (1977) also questions Piaget's emphasis on whether or not the roots of moral development are as closely tied to adult authority as Piaget (1965) would have us assume. The emphasis on adult authority in rule formation implies that children's values are a function of adult behavior rather than self-constructs. Damon would assert an alternative specualation as to the roots of the child's development of a sense of justice:

> a person's moral knowledge (assumed to be a justice function) grows out of his early reflections on common justice problems, rather than solely out of his early experience with adult constraint (Damon, 1977, p. 171).

This is an important point. Although the crime questionnaire employed in this study may not be a "common justice problem" for all children it is one with which many children are familiar due to the effects of mass media presentations, and specifically, television.

Other research on Piaget's theory of moral development tends to support, at least globally, the Piagetian constructs of moral realism, heteronomy, and autonomy (Inhelder, 1970; Keasey, 1975; Lickona, 1976; Darley, Klossen, & Zanna, 1978).

The hypothesis to be tested in this study was that when posited with a situation in which a criminal offender commits a crime, and asked what should happen to the offender, children of a lower cognitive level would respond with a retributive sense of justice (make the punishment fit the crime) while children of higher cognitive levels would respond with a more distributive

sense of justice (one based on equity). The hypothesis is therefore also a developmental one, implying that changes in response ought to occur across cognitive level.

The second hypothesis of this study was that children would respond differently to crime situations that contained extenuating circumstances, or motive, for the commission of a criminal offense as compared to those questions which did not contain extenuating circumstances. Voluminous literature exists studying children's use of information in their decision-making (Damon, 1977; Turiel, 1975; Keasey, 1975). However, these studies have not addressed the child's perception of criminal offenders or the child's use of distributive justice sanctions.

This study also attempted to test Kohlberg's theory of moral development. Are young children, those in the preconventional level of morality, capable of prescribing distributive justice sanctions for an offender in a criminal situation? Kohlberg's writings suggested that the child's concept of justice appears at a later stage.

Method

A two-step procedure was employed to answer the above questions. First, the child's cognitive level was established. After this had been determined the child was administered a "crime questionnaire" which presented 12 short criminal situations to the child. The child was asked what should happen to the offender.

Subjects. Subjects were 60 children from the greater Boston area. Ten boys and 10 girls from the following three developmental levels were selected: preoperations, concrete operations, and formal operations.

Procedure. To determine the child's cognitive level, each child was individually administered one of two Piagetian tasks. The first task, a class logic task, identifies children in preoperations and concrete opera-

tions. The second task, a propositional logic task, identifies children in concrete and formal operations (Forbes & Selman, 1974). Children aged five and six years were administered the class logic task. Children aged seven years and older were administered the second task. If a child could not succeed on the propositional logic task, the class logic task was administered.

All cognitive protocols were independently coded by two coders according to the directions stipulated by Forbes and Selman (1974). Initially, both coders rated 47 of the 64 (74%) cases exactly the same. After rereading the category definitions, independent agreement as to the assignment of cognitive level was reached on the remaining 17 cases. It was necessary to assess 64 children to obtain the desired population, balanced for cognitive level and sex. The four protocols excluded were those that were collected last and created an overload in either the sex or cognitive level requirement.

The age range for each stage was as follows: preoperational children ranged from five to seven years; concrete operational children ranged from six to nine years; and formal operational children ranged from nine to thirteen years.

Following the cognitive assessment inventory, each child was individually administered the crime interview. The interviewer did not know the cognitive level of the child being questioned; only the child's code number appeared on the crime data sheet.

Crime Questionnaire. The crime questionnaire was developed in accord with the delinquency scale developed by Sellin and Wolfgang (1964). The only criteria for a criminal offense to be included within this interview was that the crime situation was listed and ranked on the delinquency scale. Sellin's and Wolfgang's definitions of categories of crime were employed:

A. Bodily injury--any offense that produces bodily injury to one or more victims.

B. Property theft--any offense that does not produce physical injury but which does involve a loss of property through theft.

C. Property damage--any offense that does not produce: 1) physical injury to the victim, or 2) loss of property through theft, but does include damage to property.

These three definitions develop mutually exclusive categories for crimes.

Four questions for each of the three categories were developed. In two questions in each category, the offender committed the crime without extenuating circumstances while in the other two questions extenuating circumstances, or motive for an offense, existed. Two forms of the questionnaire were developed to counteract for the older child's detecting the intent of the experimenter and to make for a more interesting questionnaire. Thus, no questionnaire contained two questions about the exact same crime.

The two forms of the questionnaire were balanced for crime category and specific crime. If a crime with extenuating circumstances was presented on one questionnaire (e.g., a man steals a pair of shoes for his daughter because it is winter and she doesn't have any shoes), the same crime without extenuating circumstances (a man steals a pair of shoes) appeared on the other questionnaire. Each item of each questionnaire was balanced on the other form of the questionnaire; only the order of presentation of items differed. (Pilot data indicated that similar results were obtained for each questionnaire.)

One-half of the subjects were administered each questionnaire, balanced for cognitive level and sex. Each question was read to each child, and the

child was asked what should happen to the offender. Ambiguous responses were systematically probed.

Coding: Crime Questionnaire. To analyze the crime questionnaire each response was scored as retributive (R), distributive (D), restitutive (r), or other (O) according to the definitions of each as posited by Piaget (1965) and according to the function of the response (Damon, 1977).

The following category definitions were used. A response was coded as (R) if it implied punishment (eye for an eye), a legal procedure (to jail), a fine or a lack of consideration for extenuating circumstances. A response was coded as (D) if it implied rehabilitation, social service, consideration of extenuating circumstances, or a restoration of the social order. A response was coded as (r) if it implied a restoration of the balance through a form of payment. A response was coded as (O) if the child did not respond or the child said "I don't know."

According to Piaget (1965), restitution, as payment that restores the balance to a situation, is a limiting case of retribution but may approach distribution in payment. This category nicely illuminates the fact that justice is not (or may not be) exclusively one category or another. As the primary question of this study concerned distributive justice responses, and 'r' is a limiting case of 'R', the categories 'R' and 'r' were collapsed which was thought to be justified for the purposes of these analyses. Thus, the maximum 'D' justice score for any subject was 12, as was the (R+r) score.

For the first hypothesis each child's 'D' score was tabulated, and an ANOVA of the justice score by cognitive level was conducted. For the second hypothesis, type of question item (extenuating vs. non-extenuating) was expected to influence the child's response; therefore, it was necessary to recalculate the child's responses. 'D' scores were tabluated for extenuating (E) and non-extenuating (NE) items. Each individual had a maximum possible

score of six 'D' responses for (E) items and six 'D' responses for (NE) items.

In addition, based on Piaget (1965) and Kohlberg (1963, 1973, 1976), it was also predicted that a sex difference would not occur on any of the analyses. It was decided that if no sex differences were found in the analyses of 'D' scores across cognitive level that sex would not be used as a variable in subsequent analyses.

Results

That a child's sense of justice for a criminal offender would be directly related to the child's cognitive level was predicted as well as that a second main effect would occur as a function of extenuating and non-extenuating items. The analyses of children's responses to the crime questionnaire showed that both main effects were significant. It was recognized that the data were slightly skewed, but the skewness was not severe enough to dictate the use of a statistical procedure other than analyses of variance (Kirk, 1968).

An analysis of variance showed a significant difference for justice score as a function of cognitive level when distributive responses were analyzed ($F = 13.59$, $(df, 2,57)$, $p < 0.001$). No sex differences occurred.

Further analyses were performed to determine specific differences between each of the developmental levels. Tukey's multiple-comparison procedure was used to test for differences among the means. The means for each cognitive level are shown in Table 1. In the analysis the means for preoperational children's responses differed significantly ($p < .05$) from the means for concrete operational children's responses. The analysis did not indicate a significant difference between the means for concrete and formal operational scores.

Insert Table 1 about here

The second hypothesis of this study was that a significant main effect would occur as a function of questions containing extenuating circumstances (E) vs. non-extenuating question (NE) items. Questions containing (E) were predicted to have a greater number of distributive responses. A repeated measures analysis showed a significant difference in 'D' score for cognitive level as a function of E vs. NE items ($F = 34.46$ (df, 1,57), $p < 0.01$) as well as a significant interaction for cognitive level by type of question ($F = 4.23$ (df, 2,57), $p < 0.05$). (See Table 2.)

Insert Table 2 about here

Tukey's ratio was used to compare the means for the three cognitive levels within the E treatment, and a significant difference occurs between all cognitive levels. A comparison of preoperational children's responses ($M = .70$) with concrete operational children's responses ($M = 1.80$) shows $q = 5.17$, $p < 0.01$ (df, 2,57); and a comparison of concrete operational children's responses with those in formal ($M = 2.55$) shows $q = 3.52$, $p < 0.05$ (df, 2,57). Again, no difference between cognitive levels occurred when 'D' responses to NE items were analyzed. The interaction effect is further described in Figure 1. In summary, the above analyses indicate that when children are presented with questions containing E circumstances, significant increases in cell means across cognitive levels occur for 'D' response. However, these increases do not occur when children are posited with questions without extenuating circumstances.

Insert Figure 1 about here

Discussion

These children's responses conformed to predictions based on Piagetian theory. Children at a higher level of cognitive ability responded with a more distributive sense of justice than did children at lower cognitive levels, although responses were still largely retributive (no means were greater than six). Interestingly, the significant difference in response occurred between preoperations and concrete operations with children in concrete operations offering more distributive responses which is very close to, if not exactly the same as, what Piagetian theory (1965) would predict. Unfortunately, when discussing the child's moral development, Piaget (1965) states the change from heteronomous to autonomous development occurs about age seven to eight, not between operational levels. However, based on much additional Piagetian theory (Inhelder & Piaget, 1958; Piaget & Inhelder, 1969), one could argue that for many children this age range coincides with the stage change from preoperations to concrete operations.

At the same time, the findings of this study seem to question Kohlberg's (1958, 1963, 1973, 1976) theory of moral development. Even young children, those in concrete operations, seem to be capable of beginning to deal with the concept of distributive justice. Kohlberg attributes this sense of justice to an older child, and more particularly to a child in a far later stage of moral development (Stage 4). This study did not pretest children to determine their level of moral development, but based upon age guidelines as indicated in Kohlberg's Scale, it could be inferred that the Stage 4 person is older than any of the children sampled in this study. Apparently, the acquisition of a distributive sense of justice begins to appear earlier than Kohlberg's findings would suggest. (An interesting follow-up study might pretest children for cognitive and moral development level, and subsequently administer the crime interview.)

The second prediction, that a significant difference in distributive response would occur as a function of introducing questions with and without extenuating circumstances, was also confirmed. Apparently, some children in preoperations are able to consider the offender's motive when prescribing justice for that offender. Piaget (1965) states that for older children, extenuating circumstances ought to influence a child's judgment. This study seems to indicate that when asking questions concerning criminal offenders, even young children consider the offender's motive for committing a crime (see Figure 1).

Piaget (1965) states that in the area of moral development the child's ability to deal with objective and subjective responsibility usually proceeds in a developmental progression: objective responsibility preceding the child's ability to deal with subjective responsibility. By analogy this same argument could be used to explain why some children at all cognitive levels are able to use distributive justice sanctions for offenses that were committed because of extenuating circumstances. Some children at all developmental levels were capable of offering 'D' responses to E items, with more 'D' responses at the higher cognitive levels. This too would suggest that the child's ability to judge an action on more than objective information is developmental, but not simply a function of cognitive stage theory in the strict interpretation of that theory.

The results of this study also concur with those of Damon (1977). Young children seem to have a sense of justice; furthermore, children are able to prescribe punishment for an offender. In this study, like Damon's, young children prescribed punishment to fit the circumstances of the offense (retributive justice). However, as the child matures, the notion of reciprocity becomes important (distributive justice). Both this study and Damon's further suggest that children are capable of considering merit or

extenuating circumstances in their decision-making process.

The results of this study agree with those of Darly, Klossen, and Zanna (1978) which showed that children were able to differentiate "harm-doing" as a function of mitigating circumstances. Lyons-Ruth (1978) also found that young children were capable of making moral judgments, taking into consideration the motive of the offender. Results of this study further suggest that when distributive responses are analyzed alone a significant interaction occurs between type of item and ocgnitive level (see Figure 1). Distributive scores to questions containing extenuating circumstances increase at a significantly higher rate than do these scores to questions that do not contain extenuating circumstances. This increase becomes particularly evident as the child approaches the concrete operational stage of development which may indicate that children in concrete operations are able to use the concept of equity in their responses.

The young child's ability to employ distributive justice sanctions for an offender also gives reason to question Kohlberg's assumptions concerning the young child's ability to use justice. Looking only at the E questions in this study, it is evident that at all cognitive levels E questions have a higher level of 'D' responses than do NE questions and are significantly higher for concrete and formal operational levels. Questions containing extenuating circumstances are more comparable to Kohlberg's moral dilemmas than questions without extenuating circumstances. The responses to E questions, although not totally distributive (63/120), show that a developmental trend occurs: preoperational children offer fewer 'D' responses than concrete operational children who gave fewer 'D' responses than formal operational children. Kohlberg's data suggests that the acquisition of a distributive sense of justice occurs in a more step-wise progression, and as stated earlier, at a later point in the child's life.

The findings of this study add further support for the theoretical link between cognitive development and moral development. Cognitive theory would predict that a preoperational child, due to transductive reasoning abilities, irreversibility of thought, and limited perspective taking abilities, would have a retributive sense of justice. Cognitive theory would also predict that as the child's cognitive level develops, the child's ability to deal with moral dilemmas would mature and, in fact, become more oriented toward a distributive sense of justice. The results of this study confirm these predictions.

Children appear to have a predictable developmental ability to deal with situations in which justice is administered to an offender in a criminal situation. The findings of this study suggest that the concrete operational child is in the process of acquiring a distributive sense of justice. And, if one interprets the children's responses in light of the practices of the criminal justice system, children seem to have a greater sense of compassion for an offender who commits a crime out of necessity than does the criminal justice system.

When discussing these results in view of the legal socialization literature (Torney, 1971; Levine & Tapp, 1977; Hess & Torney, 1967), children in preoperations do not seem to be well socialized into knowing about punishment for an offender in the criminal justice system. However, at some point during the transition from preoperations to concrete operations, the child develops a better understanding of the justice system. The child in formal operations seems to have a better understanding of alternative dispositions within the criminal justice system. Although this child's responses did not differ statistically from a child in concrete operations, the child in formal operations is better able to verbalize reasons for a distributive response. This increased knowledge of the justice system may be due to increased exposure to

media, formal schooling, and broader worldly experiences.

Regardless of the reason for this increased awareness of the justice system, children's responses to this questionnaire may have implications for the juvenile justice system. For example, if the juvenile court were more aware of the child's perception of "justice," dispositions rendered might better reflect the child's needs. Policy makers might consider that children, and even very young children, punish differentially based on motive for an offense. This information might also help the juvenile justice system develop more effective treatment for young offenders. An effective juvenile justice system should consider the developmental needs and expectations of the child in formulating future policy.

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Table 1

Summary Table for Score Means by Cognitive Level

Cognitive Level	'D' Score Means	SD
Preoperations	1.05	1.09
Concrete Operations	2.60	1.56
Formal Operations	3.60	1.82

N = 60

Table 2

Summary Table for Score Means for 'D'

Responses to E and NE Items by Cognitive Level

Cognitive Level	Mean E	SD	Mean NE	SD
Preoperations	.70	.86	.35	.49
Concrete Operations	1.80	1.15	.80	.83
Formal Operations	2.55	1.17	1.05	.94

N = 60

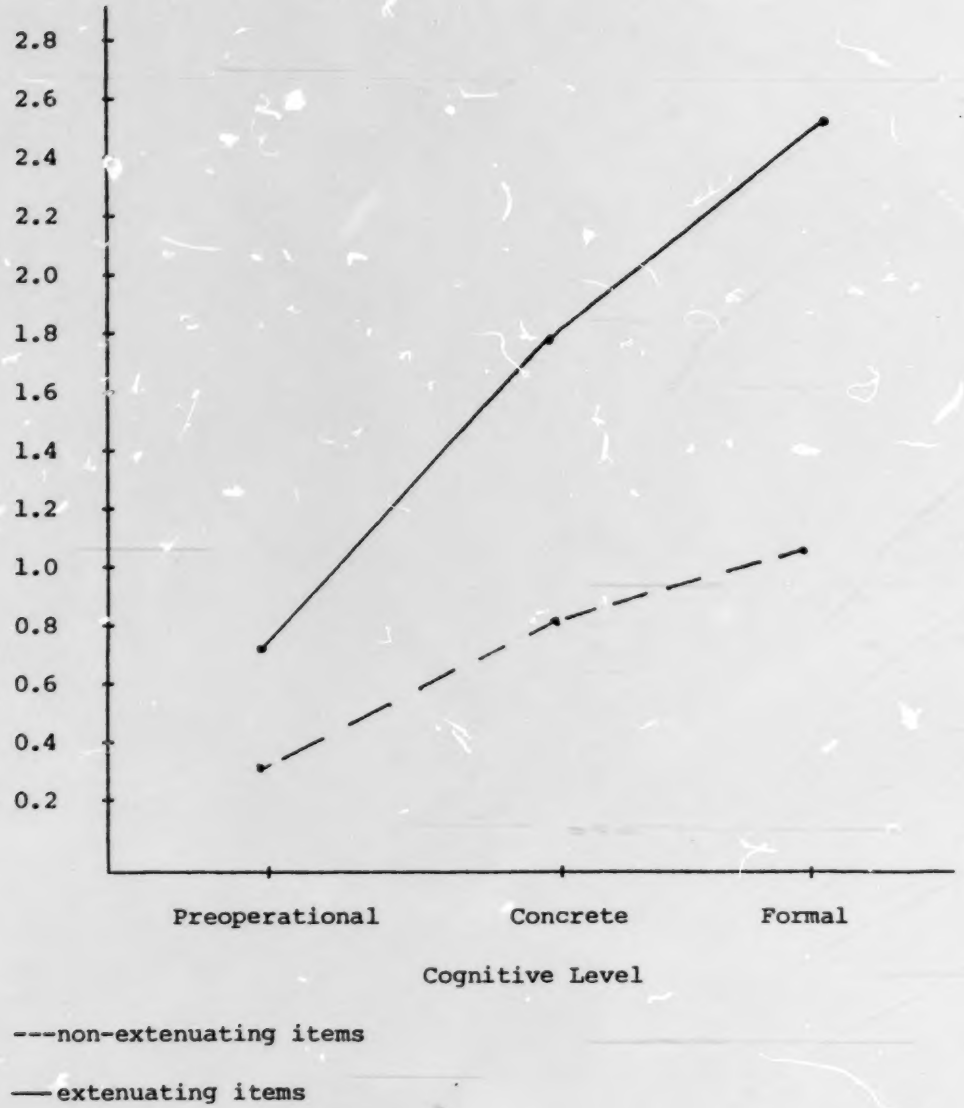

Figure 1. Interaction Effect: Cognitive Level by Type of Item for Means of D Responses